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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of

Wolfgang Heger et al.

Serial No.: 10/530,724

Filed: April 8, 2005

For: Papermaking Screen

PATENT

Art Unit: 1731

Examiner:


SUBMISSION OF ENGLISH LANGUAGE PRELIMINARY EXAMINATION REPORT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English language Preliminary Examination Report for the above-identified application.

Respectfully submitted,


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Dated: Sept 21, 2005

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rule 72.2)

To:

BARTELS UND PARTNER
Lange Strasse 51
70174 Stuttgart
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Bartels und Partner
Patentanwälte

Eingegangen: 07. JULI 2005
Received:

TERMIN

Date of mailing (day/month/year) 30 June 2005 (30.06.2005)		
Applicant's or agent's file reference 40hrk/129120	IMPORTANT NOTIFICATION	
International application No. PCT/EP2003/011776	International filing date (day/month/year) 24 October 2003 (24.10.2003)	
Applicant ANDREAS KUFFERATH GMBH & CO. KG et al		

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

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The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yolaine Cussac
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 70 80

Translation

PATENT COOPERATION TREATY

PCT/EP2003/011776



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 40hrk/129120	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2003/011776	International filing date (day/month/year) 24 October 2003 (24.10.2003)	Priority date (day/month/year) 16 November 2002 (16.11.2002)
International Patent Classification (IPC) or national classification and IPC D21F 1/10		
Applicant ANDREAS KUFFERATH GMBH & CO. KG et al.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 29 January 2004 (29.01.2004)	Date of completion of this report 04 February 2005 (04.02.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2003/011776

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-13 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ 1-9 _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ 1/4-4/4 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/11776

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	6-9	YES
	Claims	1-5	NO
Inventive step (IS)	Claims		YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: DE 42 29 828 A

D2: US-A-4 705 601

2. Claim 1

Document D1 shows a papermaking screen with all the features specified in the preamble of claim 1 (see D1, column 2, lines 22 to 42, and figure 1).

The features of the characterising part of claim 1 are also known from D1 (see figure 1; binding thread 7 passes over warp thread 5, and weft thread 6 passes under warp thread 5 (reference numbers from D1)).

The subject matter of claim 1 therefore lacks novelty and thus fails to meet the requirement of PCT Article 33(2).

3. Claims 4 and 5

The subject matter of dependent claims 4 and 5 is also known from D1 (see in particular column 2, lines 22 to

26 (two individual woven fabrics), lines 38 to 39 (plain weave) and figure 1 (angular measurement, multi-strand weave of the lower fabric layer).

Claims 4 and 5 therefore also lack novelty (PCT Article 33(2)).

4. Claim 6

The feature specified in claim 6 appears to relate to a minor modification of the screen according to claim 1 which does not go beyond what a person skilled in the art would normally do on the basis of routine considerations (see also document D2). The subject matter of this claim therefore does not involve an inventive step (PCT Article 33(3)).

Since claim 1 is not admissible, dependent claims 7 to 9 cannot be formally allowed either.

5. Contrary to the requirements of PCT Rule 5.1(a)(ii), the description does not cite document D1 or give an account of the relevant prior art disclosed therein.